**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE ANTONY DOMINIC**

**TUESDAY, THE 27TH NOVEMBER 2007 / 6TH AGRAHAYANA 1929**

**W.P(C).No. 32432 of 2007-(J)**
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**PETITIONER:**
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**VIPINKUMAR MENON,**
**AGED 47 YEARS, S/O. GOPALAKRISHNAN,**
**DOOR NO. 40/9238, "ANAND'**
**PULLEPPADY JUNCTION CHITTOOR ROAD**
**ERNAKULAM-682 035**

**BY ADV. SRI.SHAJI P.CHALY**

**RESPONDENTS:**
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1. **STATE OF KERALA, REPRESENTED BY THE SECRETARY, DEVASWOM, SECRETARIAT, THIRUVANANTHAPURAM.**

2. **THE GURUVAYOOR DEVASOWM MANAGING GURUVAYOOR REPRESENTED BY ITS ADMINISTRATOR AND SECRETARY.**

3. **ADMINISTRATOR, GURUVAYOOR DEWASWAM,GURUVAYOOR.**

4. **TEMPLE MANAGER, GURUVAYOOR DEWASWAM,GURUVAYOOR.**

5. **CHAIRMAN, GURUVAYOOR DEWASWAM,GURUVAYOOR.**

**BY ADV. SRI. U.K. RAMAKRISHNAN, SC FOR GDB**
**SRI.U.K.RAMAKRISHNAN**
**SMT.P.VIJAYAMMA**
**SRI.UMA GOPINATH**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**ANTONY DOMINIC, J.**

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**W.P.(C) No. 32432 OF 2007 J**
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**Dated this the 27th November, 2007**

**J U D G M E N T**

The petitioner who was awarded work order for the supply of various types of plantains and bananas during the period 18/4/07 onwards, could not, for his own reasons make supply to the Board. Finally, alleging that he had committed breach of contract, his earnest money deposit and security deposits were forfeited and this decision of the Board was communicated to the petitioner by Ext.P7. It is in this background that the writ petition has been filed praying for directing the respondents to release the security deposit offered by way of fixed deposit and also the earnest money deposit.

2. On the merits, I am satisfied that the issue raised arises under a contract and the question as to whether breach of contract has been committed, and if so, who has committed it and what are the consequences thereupon etc., are matters, which cannot be decided in a writ petition.

In view of this, without prejudice to the contentions and the rights of the parties, this writ petition is closed.

**ANTONY DOMINIC**
**JUDGE**

Rp/-